IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIAS INDUSTRIES, INC.,	}
Plaintiff,	2:20-CV-01011-CCW
VS.	
KISSLER & CO. INC.,	
Defendant.	
	ODDED

ORDER

AND NOW, this 29th day of March, 2022, upon considering Plaintiff Elias Industries, Inc. ("Elias"), Motion to Dismiss Defendant Kissler & Co. Inc.'s ("Kissler") Counterclaims, ECF No. 77, and the parties' briefing in connection thereto, ECF Nos. 79, 83, & 84, the Motion is GRANTED as follows:

- Elias' Motion to Dismiss the Counterclaims with respect to Counts I, II, III, and IV is GRANTED without prejudice and with leave to amend; and
- 2. Elias' Motion to Dismiss the Counterclaims with respect to Count V and VI is GRANTED without prejudice to Kissler's ability to move for attorneys' fees under DTSA and PUTSA in accordance with Federal Rule of Civil Procedure 54(d)(2).

IT IS FURTHER ORDERED that Kissler may file amended counterclaims, amending only those counterclaims for which the Court hereby grants leave to amend, on or before **April 12**, **2022**. If Kissler opts not to file amended counterclaims, the dismissals without prejudice will be converted to dismissals with prejudice.

IT IS SO ORDERED.

DATED this 29th day of March, 2022.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record